

**ASSEMBLY BILL**

**No. 1289**

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**Introduced by Assembly Member Jerome Horton**

February 22, 2005

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An act to amend Section 830.38 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1289, as introduced, Jerome Horton. Peace officers: state hospital police.

Existing law establishes state hospital peace officers, as specified, and defines their authority as peace officers. Existing law provides these peace officers have authority that extends to any place in the state for certain purposes. Existing law provides that these peace officers may only carry firearms when authorized by their employing agency, as specified. Under existing law, peace officers are required to satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, as specified.

This bill would grant these peace officers general authority as peace officers throughout the state, while retaining their primary duty of enforcing specified provisions of law, as specified. The bill would delete the provision prohibiting these officers from carrying firearms except upon authorization of their employing agency. The bill would require firearms qualification of these officers every 6 months or less, as specified, and would also require additional training, as specified, for those peace officers newly hired or appointed after July 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 830.38 of the Penal Code is amended to read:

830.38. (a) The officers of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services appointed pursuant to Section 4313 or 4493 of the Welfare and Institutions Code, are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code, provided that the primary duty of the peace officers shall be the enforcement of the law as set forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and Institutions Code. ~~Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.~~

(b) *No later than six months from being appointed under this section or prior to being hired under this section, in addition to specialized training provided to an officer by the employing agency, an officer shall have completed the training prescribed under Section 832. Officers who are newly hired or appointed under this section after July 1, 2006, shall also have completed the Specialized Investigators Basic Course or Regular Basic Course, as developed by the Commission on Peace Officer Standards and Training. Every peace officer under this section shall have successfully completed the firearms training as required by Section 832 and shall requalify in the use of firearms every six months or less as directed by the employing agency.*